

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

DECISION AND ORDER

11-CR-6128L

v.

DESMOND WILLIAMS,

Defendant.

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This Court referred all pretrial motions to United States Magistrate Judge Jonathan W. Feldman pursuant to 28 U.S.C. § 636(b). Defendant moved to suppress certain statements that he made to law enforcement officials after he was arrested on March 11, 2011. Defendant contends that he was not adequately advised of his *Miranda* rights as required by *Miranda v. Arizona*, 384 U.S. 436 (1966).

Magistrate Judge Feldman held a suppression hearing and after taking testimony and hearing argument, the Magistrate Judge read into the record his oral decision articulating his reasons why the motion to suppress should be denied. The Magistrate Judge confirmed that oral finding in a written Report and Recommendation (Dkt. #23) filed November 7, 2011.

There is a recording of the suppression hearing, as well as Magistrate Judge Feldman's oral decision, and it has been made available for my review.

No objections have been filed to the Report and Recommendation, although the time within which to do so has now lapsed.<sup>1</sup>

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<sup>1</sup> Counsel for the defendant, Assistant Federal Public Defender Jeffrey L. Ciccone did advise my chambers that he had reviewed the Magistrate Judge's Report and Recommendation and did not intend to file any objections.

Based on the above, I conclude as did Magistrate Judge Feldman, that there is no reason in law or fact to suppress the statements made by the defendant at the time of his arrest.

#### CONCLUSION

I accept and adopt in full the Report and Recommendation of United States Magistrate Judge Jonathan W. Feldman (Dkt. #23) which confirmed his oral recommendations entered on the record on November 3, 2011. Defendant's motion to suppress statements (Dkt. #18) is in all respects denied.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "David G. Larimer", is written over a horizontal line.

DAVID G. LARIMER  
United States District Judge

Dated: Rochester, New York  
December 9, 2011.